

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Noemi Martin	Team: Team # 5	CCRB Case #: 201107426	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 06/08/2011 6:05 AM	Location of Incident: § 87(2)(b)	Precinct: 76	18 Mo. SOL 12/8/2012	EO SOL 12/8/2012	
Date/Time CV Reported Wed, 06/08/2011 3:48 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 06/08/2011 3:48 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Brian Nyhus	00974	922882	NARCBBS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM William Kelly	28634	936855	NARCBBS

Officer(s)	Allegation	Investigator Recommendation
A.SGT Brian Nyhus	Abuse: Sgt. Brian Nyhus supervised the entry and search of § 87(2)(b) in Brooklyn.	§ 87(2)(b)

## Case Summary

On June 8, 2011, § 87(2)(b) filed this complaint with the CCRB over the phone (encl. 3A-3B).

On June 8, 2011, at approximately 6:05 a.m., officers from Narcotics Borough Brooklyn South executed a search warrant at § 87(2)(b) in Brooklyn. The following allegations resulted:

- **Allegation A-Abuse of Authority:** Sgt. Brian Nyhus supervised the entry and search of § 87(2)(b) in Brooklyn. § 87(2)(g)

## Results of Investigation

### Civilian Statement

**Complainant/Victim:** § 87(2)(b)

### CCRB Testimony

On June 8, 2011, § 87(2)(b) provided the CCRB with an initial statement (encl. 3A-3B). On June 8, 2011, at approximately 7:00 a.m., § 87(2)(b) was sleeping at her mother's residence, located at § 87(2)(b) in Brooklyn, when approximately 7 plainclothes officers forcefully entered the home. Inside of the apartment were her mother, § 87(2)(b) sister, § 87(2)(b) and father § 87(2)(b) father. The officers accused the family of selling narcotics. A female officer pointed a gun at § 87(2)(b)'s face and then searched her person. Everyone was arrested and transported to the 76<sup>th</sup> Precinct stationhouse.

### Attempts to Contact Civilians

- § 87(2)(g)

### NYPD Statement:

- § 87(2)(g)

### NYPD Document

#### *Search Warrant*

The MAS department confirmed that search warrant § 87(2)(b) (encl. 9) was obtained by requesting officer PO William Kelly of Narcotics Borough Brooklyn South on § 87(2)(b) and signed by the Honorable Judge § 87(2)(b). The search warrant execution was supervised by Sgt. Brian Nyhus of Narcotics Borough Brooklyn South.

### Arrest for Incident and Disposition

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **Status of Civil Proceedings**

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of June 15, 2011 with regard to the incident (encl. 6).

### **Civilian Criminal History**

- As of July 6, 2011, the Ecourts database did not reveal any criminal convictions for § 87(2)(b) (encl. 5).

### **Civilian CCRB History**

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 2).

### **Subject Officer CCRB History**

- Sgt. Nyhus has been a member of the service for 12 years and there are 3 substantiated CCRB allegations against him (encl. 1):
  - In CCRB # 200611338, Sgt. Nyhus was found to have improperly stopped, frisked, and searched an individual. The CCRB recommended that Sgt. Nyhus be issued charges, but the NYPD did not impose any discipline.

### **Conclusion**

### **Identification of Subject Officer**

- Police documents confirmed that Sgt. Nyhus supervised the search warrant at the location. § 87(2)(g)

### **Allegations Not Pleaded**

- § 87(2)(g)

### **Investigative Findings and Recommendations**

#### **Allegation A-Abuse of Authority: Sgt. Brian Nyhus supervised the entry and search of § 87(2)(b) in Brooklyn.**

It is undisputed that officers from the Narcotics Brooklyn South team executed a search warrant at § 87(2)(b) in Brooklyn on the morning of June 8, 2011. § 87(2)(g)

Team: 5

Investigator: \_\_\_\_\_ Noemi Martin July 12, 2011  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date